IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	
Plaintiff,)	8:13CR3
vs.	ORDER
JOSSUE GABRIEL ALVA-PEREZ,	
Defendant.)	

This matter is before the court on the motion of defendant Jossue Alva-Perez (Alva-Perez) to enlarge time to file pretrial motions (Filing No. 28) and to continue trial (Filing No. 30). Alva-Perez seeks to file pretrial motions out of time and to continue the trial scheduled before Judge Gerrard on March 5, 2013. Alva-Perez's counsel has represented to the court that Alva-Perez will file affidavits in accordance with NECrimR 12.1 and Paragraph 9 of the progression order. For good cause shown, the motion will be granted to the extent set forth below.

IT IS ORDERED:

- 1. Alva-Perez's motion to enlarge time to file pretrial motions (Filing No. 28) is granted to the extent Alva-Perez is given **until May 24, 2013**, in which to file any pretrial motions.
- 2. Trial of this matter scheduled for March 5, 2013, before Judge John M. Gerrard and a jury is **canceled** and will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline if no such motions are filed.
- 3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 28, 2013, and May 24, 2013,** shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 28th day of February, 2013.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge